

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: Winnemucca District

TRACKING NUMBER: DOI-BLM-NV-W010-2013-0060-DNA

CASEFILE/PROJECT NUMBER: 43 CFR 4700

PROPOSED ACTION TITLE/TYPE Blue Wing Complex Emergency Drought Gather
Plan DNA

LOCATION/LEGAL DESCRIPTION T. 34 N., R. 28 E., sec. 11, 12, 13, 14, 21, 22,
23, 24, 25, 26, 27, 28, 33,
34, 35, 36
T. 34 N., R. 29 E., sec. 01, 02, 03, 04, 05, 06, 07, 08, 09,
10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,
25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
31, 32, 33, 34, 36
T. 34 N., R. 30 E., sec. 07, 08, 09, 15, 16, 17, 18, 19, 20,
21, 22, 28, 29, 30, 31, 32, 33
T. 33 N., R. 28 E., sec. 01, 02, 03, 04, 09, 10, 11, 12, 13,
14, 15, 16, 21, 22,
23, 24, 25, 26, 27, 28, 33, 34, 35, 36
T. 33 N., R. 29 E., sec. 01, 02, 03, 04, 05, 06, 07, 08, 09,
10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
31, 32, 34, 35, 36
T. 33 N., R. 30 E., sec. 05, 06, 07, 08, 17, 18, 19, 30, 31
T. 32 N., R. 28 E., sec. 01, 02, 03, 04, 09, 10, 11, 12, 13,
14, 15, 16, 21, 22,
22, 23, 24, 25, 26, 27, 35, 36
T. 32 N., R. 29 E., sec. 01, 02, 03, 04, 05, 06, 07, 08, 09,
10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
31, 32, 33, 34, 35
T. 32 N., R. 30 E., sec. 06, 07
T. 31 N., R. 29 E., sec. 02, 03, 04, 05

APPLICANT (if any): BLM

A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures.

Background

Immediate removal of excess wild horses from portions of the Blue Wing Complex (BWC), and adjacent areas outside the HMA boundaries is needed for protection of the animals and the rangeland resources. Approximately 200 excess wild horses would be removed from the emergency gather area in order to help prevent suffering or death due to drought conditions on the range and to minimize degradation of resources affected by drought.

The Kamma Mountains, Seven Troughs, Lava Beds, Bluewing Mountains, Shawave Mountains and Nightingale Mountains Herd Management Areas (HMAs), collectively referred to as the Blue Wing Complex (BWC), are located in Pershing County, Nevada, north and west of Lovelock. The BWC consists of approximately 639,300 total acres, but the emergency gather area consists of approximately 110,637 acres.

The July 23, 2013 U.S. Drought Monitor report, one of the tools utilized by BLM, indicates the Blue Wing Complex is experiencing extreme to exceptional drought conditions. (http://droughtmonitor.unl.edu/DM_state.htm?NV,W)

Proposed Action

The purpose of the Proposed Action is to conduct an emergency drought gather to remove approximately 200 excess wild horses from the BWC Emergency Gather Area that are at immediate risk of mortality or suffering due to insufficient water and vegetation.

The BWC emergency gather area includes the southern end of the Kamma Mountains HMA, the eastern portion of the Lava Beds HMA, the northern end of the Seven Troughs HMA and the non-HMA area between these HMAs (See attached map). The entire emergency gather area is approximately 24 miles long and 15 miles wide. A portion of the emergency gather area is located within the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA). This gather would begin as soon as August 1, 2013 and continue for approximately 10 days.

The wild horses in the emergency gather area would be gathered utilizing helicopters. The helicopter capture method would use a helicopter to drive wild horses and/or burros to a trap site for transport to a facility for processing and removal. The use of roping from horseback, to assist the helicopter capture, could also be used when necessary. Multiple gather sites (traps) could be used to gather wild horses from within and/or outside HMA boundaries.

Gather sites would be constructed outside wilderness and wilderness study areas. No mechanized vehicles other than the helicopter would be used within wilderness or

wilderness study areas except in case of emergency. No helicopter landings within wilderness or wilderness study areas would occur except in case of emergency.

For drought related gathers, gate cut removals would be the primary method employed to limit additional stress on wild horses within a defined emergency gather area. Wild horses would be gathered and removed regardless of age to reach the post gather target. Very few or no animals would be returned to the range and no population controls would be implemented. When appropriate, animals exhibiting superior condition and health may be returned to the range. The emergency drought gather would remove excess wild horses from those areas most affected by drought and where there is insufficient water and forage to sustain them. Drought Response Action (DRA) design measures that would be implemented are as follows (Winnemucca District (WD) Drought Response Plan Environmental Assessment (EA), May 2013, pg. 10-11):

- An interdisciplinary team would review all planned DRAs. Implemented DRAs would be reviewed and monitored on a yearly basis to determine if the DRAs are appropriate or if a different DRA or suite of DRAs is more suitable;
- BLM would not bar or prevent traditional practitioners from gaining access to existing and known medical/edible plant locations, and other culturally important sites. Any temporary fences constructed would be designed in a manner that would allow access at all current access points (e.g., trails, roads, etc.);
- Implementation of proposed DRAs would be coordinated with BLM archaeologists; those with the potential to adversely affect cultural resources would be identified. The presence of significant cultural resources would be determined at that time and all such resources would be avoided with an appropriate buffer in compliance with the NHPA, and the Nevada State Protocol Agreement between the BLM, Nevada and the Nevada State Historic Preservation Office (SHPO). In rare instances where avoidance is impractical, further NEPA evaluation will be necessary;
- Any implementation of proposed DRAs within the Black Rock Desert/High Rock Canyon Emigrant Trails National Conservation Area (NCA) would also require avoidance of travel on pristine trail traces as identified by BLM archaeologists;
- Prior to implementing DRAs, an evaluation and potential inventory would be completed and identified paleontological resources would be avoided;
- Implementation of all DRAs would be coordinated with a BLM wildlife biologist to determine special requirements that need to be implemented for specific plant and animal species or their habitat (e.g., flight diverters, nesting surveys, etc.);
- Temporary fencing, water hauling and temporary above ground pipelines would not be placed within an ACEC, Wilderness or Wilderness Study Areas. Fencing may be used to restrict livestock and wild horses and burros from the ACEC.

Temporary water hauls or above ground pipelines may be utilized to draw livestock and wild horse and burros away from an ACEC, Wilderness or Wilderness Study Area to reduce impacts during drought;

- Native American consultation is ongoing with this document. The proposed action would be implementable based on this EA. However, tribes would be provided further input at the time of implementation. Since the BLM must attempt to limit, reduce, or possibly eliminate any negative impacts to Native American traditional/cultural/spiritual sites, activities and resources, consultation with Native American tribes would occur through the decision process prior to the implementation of any actions. The amount of time for further consultation would be dependent upon the urgency of the situation;
- Water haul sites and their supply routes, temporary fencing, and above ground pipelines would be evaluated for the known or potential existence of BLM sensitive plant species to avoid impacts associated with vehicular traffic and livestock grazing (e.g., soil compaction and trampling). Preferred water sources for water augmentation would be wells. Additional water sources would be coordinated with the water right holder to prevent water usage from LCT occupied and recovery streams and from water sources with other special status species (i.e., spring snails);
- Precautions would be taken prior to setting up trap sites and holding facilities to avoid areas where noxious weeds, invasive or non-native species exist to lessen the chance of spread. The Contracting Officers Representative (COR), Project Inspector (PI), or other qualified specialist would examine proposed holding facilities and traps sites prior to construction to determine if noxious weeds were present. If noxious weeds were found, a different location would be selected. Areas disturbed specifically by gather operations would be monitored, re-vegetated (if appropriate), and treated for potential new infestations of non-native invasive plants as a result of gather operations;
- Previously disturbed areas, such as gravel pits, would be selected as temporary trap sites and holding facilities when feasible. Areas disturbed specifically by gather operations would be monitored, re-vegetated (if appropriate), and treated for potential new infestations of non-native invasive plants as a result of gather operations.

No fences or water hauling are proposed. There are no ACECs, Wilderness or WSAs associated with the proposed action.

Proposed removal numbers (approximately 200 wild horses) are based on the assessment of forage, climate, water, rangeland health and the use of the range by wild horses or

burros. (See attached gather plan and monitoring report¹) The immediate health and welfare of the wild horses would be the overarching goal of this drought gather. A summary of the data and rationale for the removal numbers would be documented in the decision and issued prior to a gather commencing.

The need for this proposed action is to prevent the unnecessary death and suffering of individual wild horses in areas affected by extreme drought conditions. This action will also ensure that wild horse management during drought does not irreparably impact the range and compromise the Winnemucca District's ability to meet the fundamentals of rangeland health as mandated by management plans and policies brought forward in sections 1.2 and 1.3 of WD Drought Response Plan EA, May 2013.

The need for action is also consistent with the BLM's obligation under Section 3, as amended, of the Wild-Free-Roaming Horses and Burros Act of 1971 (WFRHBA). Section 3 of the WFRHBA requires the BLM to remove excess wild horses when it determines that overpopulation exists and that the excess horses need to be removed. Monitoring and professional observations indicate that emergency conditions exist such that excess wild horses need to be removed to prevent the unnecessary death and suffering of individual wild horses.

The appropriate management level (AML) for wild horses and the June 2013 population estimates for wild horses in the BWC HMAs are:

Name of HMA	June 2013 Wild Horse Population Estimate	Appropriate Management Level for Wild Horses	
		High	Low
Kamma Mountains	333	77	46
Seven Troughs	287	156	94
Lava Beds	461	148	89
Blue Wing Mountain	0	36	22
Nightingale Mountains	193	63	38
Shawave Mountains	300	73	44
Total	1574	553	333

Based on BLM's wild horse monitoring flights in June and July 2013, the HRFO has determined that there are a significant number of excess wild horses present within and outside the boundaries of the BWC. Within the proposed emergency gather area alone, there are approximately 300 wild horses. It is recognized that not all animals are observed during population surveys and the June and July 2013 flights were not specific for counting the number of animals in the area, therefore it is extremely likely that at least

¹ Conditions continue to change as the season progresses. This gather plan and monitoring report accurately reflects conditions of the wild horses and resources as of the day of posting information on the Winnemucca District web page.

ten (10) to twenty (20) percent of the wild horses were not observed or counted during these flights.

These June 2013 estimates exceed the total high range for the Appropriate Management Level (AML) by 700 wild horses for the Kamma Mountains, Seven Troughs and Lava Beds HMAs. Of these excess wild horses, approximately one half are currently residing in the BWC emergency gather area.

Drought Response Triggers (DRTs) as described in the May 2013 WD Drought Response Plan EA are thresholds associated with vegetation and water resources that indicate the need for a site-specific drought response. DRTs for the BWC emergency gather area were used to assess the need to activate DRAs and gather wild horses (Refer to the attached Blue Wing Complex Emergency Drought Gather Plan and Monitoring Report).

Even during non-drought years, available water is very limited throughout the BWC. There appear to be five main springs being utilized by the wild horses in the emergency drought gather area. Observations from the July 2013 flight showed that at least two of the springs observed during the June 2013 flights had dried to the point of becoming mud holes.

Aerial and ground surveys indicate that water and forage resources are at risk of becoming depleted and are not sufficient to provide for the number of wild horses and wildlife within the area. A rain event on July 4, 2013, filled some basins and reservoirs, but with the excess number of wild horses, current extreme and exceptional drought conditions and hot temperatures persisting within the BWC, it is anticipated that these waters have currently dried up. The majority of spring sources within the proposed emergency gather area have been pawed out by wild horses. What water that is still available from these springs is predicted to further decrease given the continuing 2013 drought outlook and large number of wild horses in the area concentrating at water sources.

Wild horses have moved outside of the HMAs in search of forage, water, and space due to the current over-population of wild horses in this area as well as the current extreme and exceptional drought conditions. Wild horses are concentrating near limited available water sources, resulting in competition for diminished water supplies, negative impacts to drought-impacted forage, degraded range conditions within and outside the Kamma Mountains, Seven Troughs and Lava Beds HMAs and declining wild horse health.

Current monitoring and professional judgment shows a reduction of wild horse body condition (Henneke 2 and 3). Dust pneumonia and other health complications associated with excessive dust due to over utilization of vegetation around watering sources is becoming a growing concern. Water sources located within the proposed emergency gather area have heavy trailing coming into them from the direction of each HMA, indicating that wild horses from the three HMAs may be exhausting their only shared water resource. As use increases due to less available water within respective HMAs, the observed trailing routes to the water sources in the BWC will become powder-like and

the likelihood for animals to develop dust pneumonia rises. As the drought conditions continue and the accessible water declines, the body condition of the wild horses within the emergency gather area will continue to deteriorate and a high mortality rate is expected if no action is taken to remove excess wild horses from the most impacted areas.

B. Land Use Plan (LUP) Conformance

The proposed action is in conformance with the applicable LUP because it is specifically provided for the following LUP decisions:

Sonoma-Gerlach Management Framework Plan (MFP) Date Approved: July 9, 1982

WHB-1: Maintain a viable population of wild horses and burros on public lands where there was wild horse and burro use as of December 15, 1971, and achieve and maintain a thriving natural ecological balance on the forage resource

WHB-1.1: Establish wild horse and burro numbers by herd use area using the following criteria.

Existing /current WH&B numbers (as of July 1, 1982) will be used as a starting point for monitoring purposes except where one of the following conditions exists.

- a. Numbers are established by adequate and supportable resource data.
- b. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District Manager.
- c. Numbers are established by formal signed agreement between affected interests.
- d. Numbers are established through previously developed interim capture/management plans. Plans are still supportable by parties consulted in the original plan. EAs (EARs) were prepared and are still valid.
- e. Numbers are established by court order.

Black Rock Desert-High Rock Canyon-Emigrant Trails National Conservation Area and Associated Wilderness RMP Date Approved: July 2004

The Proposed Action is also in conformance with the July 2004 ROD for the BRHR/NCA RMP.

WHB-1: Retain referenced HMAs (Kamma Mountains and Lava Beds) and manage wild horse and burro populations consistent with plan objectives.

WHB-3: Contiguous HMAs with documented reproductive interaction will be managed as complexes to enable better management of genetic traits for the population and to improve coordination of monitoring and gathering.

WHB-5: Horses and burros will be gathered from the HMAs to maintain horses and burros within the AML as funding permits. Aircraft will continue to be used for the

management and, when necessary, removal of wild horses and burros. Gather activities will be scheduled to avoid high visitor use periods whenever possible.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

May 2013 Winnemucca District Drought Response Plan Environmental Assessment
DOI-BLM-NV-W000-2013-0001-EA and Finding of No Significant Impact (FONSI)
dated May 30, 2013.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The proposed action is an integral feature of the proposed action in the Winnemucca District Drought Response Plan EA.

2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. Aside from the proposed action, two other alternatives were analyzed in the Winnemucca District Drought Response Plan EA (Grazing Closure and No Action) and one alternative was considered but eliminated from detailed analysis (Supplemental Feeding of Livestock and Wild Horses and Burros).

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The existing analysis is valid in light of 2013 monitoring data, professional judgment and Drought Response Triggers.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The direct, indirect and cumulative effects are the same as those presented in the EA.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. The preliminary Winnemucca Drought Response Plan EA was sent out the Interested Public for review and comment. Comments were reviewed and considered in the final EA and FONSI.

DRAs are to be implemented through the issuance of full force and effect decisions pursuant to 43 CFR §§ 4110.3-3(b), 4770.3(c) and in accordance with 43 CFR §§ 4120.3 after consultation with or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the state having lands or responsible for managing resources within the area.

Due to the urgent need to implement the DRA, coordination and consultation has been conducted to the degree possible given the short time frame in which to take action.

Native American Consultation

Summit Lake Paiute Tribe and the Fort McDermitt Paiute-Shoshone Tribe were consulted with in person on the proposed action on July 20 and July 22, 2013, respectively. Consultation with Pyramid Lake Paiute Tribe is planned to occur on August 1, 2013 and with the Fallon Paiute-Shoshone Tribe on August 9, 2013. These tribes as well as the Lovelock Paiute Tribe would also receive notice of this action, through a certified letter, once a decision is made. Consultation for this action meets the design measure outlined in Section A of this document.

E. Persons/Agencies/BLM Staff Consulted (See attached page)

☒ **Conclusion** *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM' compliance with the requirements of the NEPA.

/s/ Mandy DeForest
Signature of Project Lead

/s/ Lynn Ricci
Signature of NEPA Coordinator

/s/ Derek Messmer
Signature of the Responsible Official

July 30, 2013
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.